IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 60 OF 2007

Babasaheb Ramrao Patil & Ors... ... Petitioner.
Versus
The State Election Commission,
Mumbai & Ors. .... Respondents.

Mr. A.M.Kulkarni for the Petitioner.
Mr.V.P.Malvankar, AGP for the State.

CORAM : SWATANTER KUMAR, C.J. &
SMT.RANJANA DESAI, J.

DATED : 12TH JULY, 2007.

P.C.:

We have heard the learned Counsel appearing for the petitioner for some time.

2. We are of the considered view that prayers (b) and (c), as formulated, are not maintainable as they do not fall within the ambit and scope of jurisdiction exercisable by this Court under Article 226 of the Constitution of India. In regard to prayer (e), it is stated that respondent no.1 should frame a policy to deal with and curb such eventualities of mass withdrawal of candidature. This is a matter which cannot be examined and in fact even would not be entertainable by this Court in writ jurisdiction. It

is settled principle of law that no mandamus can be directed by the writ court in relation to the matter which is within the competency of the legislature of the respective State. However, we leave it for the respondents to examine this matter and pass appropriate order, if they so desire and consider it appropriate.

3. With this direction, this petition is disposed of. Parties are left to bear their own costs.

Sd/-

CHIEF JUSTICE

Sd/-

SMT.RANJANA DESAI, J.